



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD PAUL NERY,

Defendant.

CASE NO. SACR-22-00090-JAK

ORDER OF DETENTION

I.

A. ☒ On motion of the Government in a case allegedly involving:

1. ☐ a crime of violence.

2. ☐ an offense with maximum sentence of life imprisonment or death.

3. ☒ a narcotics or controlled substance offense with maximum sentence of ten or more years .

4. ☐ any felony - where the defendant has been convicted of two or more prior offenses described above.

5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B. ☒ On motion by the Government / ☐ on Court's own motion, in a case

1 allegedly involving:

2 (✓) On the further allegation by the Government of:

3 1. (✓) a serious risk that the defendant will flee.

4 2. ( ) a serious risk that the defendant will:

5 a. ( ) obstruct or attempt to obstruct justice.

6 b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
7 attempt to do so.

8 C. The Government (✓) is/ ( ) is not entitled to a rebuttable presumption that no  
9 condition or combination of conditions will reasonably assure the defendant's  
10 appearance as required and the safety of any person or the community.

11  
12 II.

13 A. (✓) The Court finds that no condition or combination of conditions will  
14 reasonably assure:

15 1. (✓) the appearance of the defendant as required.

16 (✓) and/or

17 2. (✓) the safety of any person or the community.

18 B. (✓) The Court finds that the defendant has not rebutted by sufficient  
19 evidence to the contrary the presumption provided by statute.

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21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the  
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

## IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

## V.

The Court bases the foregoing finding(s) on the following:

A. (✓) As to flight risk: nature of the offenses; prior failures to appear including in pending matter 17-CR-00141 JAK

B. (✓) As to danger: criminal record including crimes involving violence

## VI.

A. ( ) The Court finds that a serious risk exists that the defendant will:

1. ( ) obstruct or attempt to obstruct justice.

2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following: \_\_\_\_\_

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- 6 \_\_\_\_\_
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- 9 VII.
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- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the
- 13 custody of the Attorney General for confinement in a corrections facility
- 14 separate, to the extent practicable, from persons awaiting or serving
- 15 sentences or being held in custody pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 17 opportunity for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
- 19 or on request of any attorney for the Government, the person in charge of
- 20 the corrections facility in which the defendant is confined deliver the
- 21 defendant to a United States marshal for the purpose of an appearance in
- 22 connection with a court proceeding.

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26 DATED: October 25, 2022

  
HONORABLE ALICIA G. ROSENBERG  
UNITED STATES MAGISTRATE JUDGE